



## Wills and Estate Planning

### Introduction

Drafting a proper and effective will requires consideration of a number of issues. **The questionnaire** on the following pages lists many of the questions you need to consider while preparing your Last Will and Testament and Living Will. The questionnaire is designed to supplement the discussion with your attorney, not to replace it. Take the time you need to feel comfortable with your decisions. You do NOT need to answer every question prior to your initial meeting with your attorney. Your attorney will walk you step by step through the planning for both documents. However, your attorney will be asking you all of these questions, and more, during your planning meeting.

**A Last Will and Testament** is a document that allows you to express your wishes posthumously. You can make decisions about the distribution of your assets and property. You can decide on the guardians of any minor children. You can even express your desires on your funeral ceremony and what you would like to happen with your remains. Some people even choose to include personal messages to their heirs and family.

**A Living Will** is a document that allows you to express your wishes when you are incapacitated and unable to communicate them yourself. Most people know that they need a Last Will and Testament. However, most people don't know that they also need a Living Will. A Living Will indicates a person's preferences and decisions regarding medical care and other major decisions in advance of a serious illness or injury. It authorizes the people you know and trust to carry out your decisions when you cannot. A Living Will generally has several components. You can appoint a Healthcare Agent to make healthcare decisions for you, appoint a power of attorney, provide instructions for the removal of life support systems, designate a conservator for future incapacity, and make a statement regarding organ donation.

Please note that a Last Will and Testament and a Living Will do not have any legal effect until they are properly drafted and executed in accordance with state law.

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# Wills and Estate Planning

## Questionnaire

**Will To Be Completed By:** \_\_\_\_\_

*Circle all that apply*

I am interested in a: **Last Will**    **Living Will**    **Both**

Do you need more information on a Living Will?    **Yes / No**

### **Contact Information**

Name \_\_\_\_\_

Gender: Male    Female

Street Address \_\_\_\_\_

City \_\_\_\_\_ County \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Contact Primary Phone # \_\_\_\_\_ Home/Work/Cell # \_\_\_\_\_

Contact Secondary Phone # \_\_\_\_\_ Home/Work/Cell # \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

### **Family Information**

**Marital Status:**    Single    Married    Civil Union    Widow

Spouse/Partner's Name \_\_\_\_\_

Spouse/Partner needs a will also? **Yes / No**

Date of Current Marriage or Civil Union \_\_\_\_\_ Location \_\_\_\_\_

Marriage Pending? **Yes / No**    Date \_\_\_\_\_    Location \_\_\_\_\_

Divorce Pending? **Yes / No**    Date \_\_\_\_\_    Court Location \_\_\_\_\_

Civil Union Pending? **Yes / No**    Date \_\_\_\_\_    Location \_\_\_\_\_

Prior Marriages or Civil Unions? **Yes No**

Prior Spouse/Partner's Name \_\_\_\_\_

Children from Prior Relationship  
\_\_\_\_\_  
\_\_\_\_\_

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Children (include step-children and note each child's biological parents at right, if known)

**Name**            **Age**            **Birth Date**            **Adoption Date (if applicable)**            **Child's Parents**

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Pending Birth(s)?    **Yes / No**                      Pending Adoption(s)? **Yes / No**

Do you have any non-biological Children that you have not adopted for which you have a custodial or guardianship duty? **Yes / No / Not Sure**

If yes, what are these Children's Names? \_\_\_\_\_

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Grandchildren *Please provide full name(s)* \_\_\_\_\_

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## **Planning Questions for a Last Will & Testament**

**A Last Will and Testament** is a document that allows you to express your wishes and desires for when you pass. In this document, you make decisions about the distribution of your assets and property.

Do you already have a Last Will and Testament? **Yes / No**

If yes, Date Executed \_\_\_\_\_

Do you wish to replace or amend this Last Will and Testament? **Yes / No**

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**TRUSTS**

You can establish a trust in your Last Will and Testament. This trust can be to support children, friends, family; for charitable purposes; or other purposes. Your Will sets out the terms of this trust and appoints a Trustee to oversee and administer the trust. The Trustee will manage the assets of the Trust and disburse them in accordance with your instructions. There are pros and cons for establishing a trust. You should consult your attorney and tax professional if you are interested in establishing a trust in your Will.

Are you interested in setting up a Trust in your Last Will and Testament? **Yes / No**

Would you like more information on Trusts? **Yes / No**

If you are interested in a Trust, who would you like the Trustee to be?

\_\_\_\_\_

Person's relationship to you \_\_\_\_\_

Person's Current Address \_\_\_\_\_

In the event this person cannot serve as Trustee, who would you like to serve?

\_\_\_\_\_

**RESIDUE**

Any of your assets that you do not specifically give away before your death or in the specific bequests outlined above become part of the "residue" of your estate.

What would you like to see happen to these assets?

Examples: All to Spouse; Divide Among Beneficiaries

*If you are uncertain, please discuss your options with your attorney.*

\_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_

\_\_\_\_\_

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**GUARDIAN**

**A Guardian** is (Need definition)

If you have minor children at the time of your death and you are their sole surviving legal guardian, who would you like to name as the guardian for those children?

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Relationship to you: \_\_\_\_\_

**BURIAL**

What instructions, if any, would you like to leave in your will for your funeral and burial ?

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**OTHER REQUESTS**

Do you want to make other arrangements in your Will not mentioned above or leave messages or letters to others as a part of your Will? **Yes / No**

**Planning Questions for a Living Will**

**A Living Will** is a document that allows you to express your desires when you are incapacitated and unable to communicate them yourself. A Living Will indicates a person's preferences and decisions regarding medical care and other major decisions in advance of a serious illness or injury. It authorizes the people you know and trust to carry out your own decisions when you cannot. You are still alive when this document is used.

Do you already have a Living Will? **Yes / No**

If yes, Date Executed \_\_\_\_\_

Do you wish to replace or amend this prior Living Will? **Yes / No**

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**Do you want to** leave instructions for the **removal of life** support systems in the event that you are found to be in a terminal condition, permanent coma, or persistent vegetative state? **Yes / No**

**A Power of Attorney** is a document that authorizes someone to act on your behalf as if they were you. This allows someone to sign documents on your behalf and to conduct your affairs in the event that you are unable to. A Power of Attorney is generally utilized for short term episodes of incapacity.

Do you want to enact a **power of attorney** to enable another person to make decisions in your name? **Yes / No**

If yes, Name: \_\_\_\_\_

Address: \_\_\_\_\_

Relationship to you: \_\_\_\_\_

**A Healthcare Agent** is someone you designate to communicate your wishes and desires concerning medical treatment and care to your treating physicians in the event that you are unable to communicate them yourself. This is also the person charged with relaying your instructions regarding the termination of life support to your treating physicians.

Do you want to appoint a **healthcare agent** to make your wishes known to your treating physicians in the event that you are unable to? **Yes / No**

If yes, Name: \_\_\_\_\_

Address: \_\_\_\_\_

Relationship to you: \_\_\_\_\_

**A Conservator** is very similar to a **Power of Attorney**. However, a conservator must be approved and appointed by a Probate Court. The Conservator is also overseen by this Court and must file periodic reports and accountings with the court. Conservators are generally appointed if it is expected that you will have a long period of incapacity.

Do you want to designate a **conservator** in the event that you need one in the future?

**Yes / No**

If yes, Name: \_\_\_\_\_

Address: \_\_\_\_\_

Relationship to you: \_\_\_\_\_

Do you want to be an **organ donor**? **Yes / No**

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